

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

AMERICAN ZURICH INSURANCE
COMPANY and ZURICH AMERICAN
INSURANCE COMPANY,

Plaintiffs,

v.

J. CRISMAN PALMER and GUNDERSON,
PALMER, NELSON & ASHMORE, LLP,

Defendants.

Case No. 5:20-cv-05026-KES

**DECLARATION OF SCOTT R. HOYT
IN SUPPORT OF OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT AND
RESPONSE TO ATTORNEY
DEFENDANTS' STATEMENT OF
UNDISPUTED MATERIAL FACTS**

I, Scott R. Hoyt, hereby declare as follows:

1. I am an attorney licensed to practice law in Texas, California and Utah and am a partner at the law firm of Pia Hoyt, LLC.

2. I was admitted to participate in the above referenced case by a Motion for Admission Pro Hac Vice filed March 9, 2022 [Dkt. 41]. The Order to Admit Nonresident Attorneys was entered March 10, 2022 [Dkt. 43].

3. I am one of the attorneys representing the Plaintiffs American Zurich Insurance Company and Zurich American Insurance Company (“*Zurich*”), in the above referenced case, and have personal knowledge of the matters set forth in this Declaration.

4. The attachments to this Declaration are in support of Plaintiff’s Opposition to Attorney Defendants’ Motion for Summary Judgment and Brief in Support (“*MSJ*”), and Zurich’s Response to Attorney Defendants’ Undisputed Material Facts and Additional Undisputed Facts.

5. Attached hereto as **Exhibit 1** are true and correct copies of excerpts of the August 31, 2022 deposition transcript of J. Crisman Palmer, referenced in Zurich's Opposition to Defendant's MSJ and Zurich's Response to Attorney Defendants' Undisputed Material Facts and Additional Undisputed Facts. They are in numeric page order and with the key testimony highlighted.

6. Attached hereto as **Exhibit 2** is a true and correct copy of Plaintiffs' Expert's September 30, 2022 Expert Report of Colin Campbell.

7. Attached hereto as **Exhibit 3** are true and correct copies of excerpts of the December 19, 2022 deposition transcript of Colin Campbell, referenced in Zurich's Opposition to Defendant's MSJ and Zurich's Response to Attorney Defendants' Undisputed Material Facts and Additional Undisputed Facts. They are in numeric page order and with the key testimony highlighted.

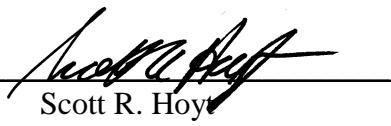
8. Attached hereto as **Exhibit 4** are true and correct copies of excerpts of the December 19, 2022 deposition transcript of Defendants' expert Jack Hieb, referenced in Zurich's Opposition to Defendant's MSJ and Zurich's Response to Attorney Defendants' Undisputed Material Facts and Additional Undisputed Facts. They are in numeric page order and with the key testimony highlighted.

9. Attached hereto as **Exhibit 5** is a true and correct copy of Defendants' Response to Zurich's Second Set of Requests for Admission, Admission No. 45. (Exhibit 4 to Palmer's deposition.)

10. Attached hereto as **Exhibit 6** is a true and correct copy of Zurich's Motion for Leave to File an Amended Answer and Affirmative Defenses, in the underlying case. (Exhibit 10 to Palmer's deposition.)

I hereby declare under penalty of perjury under the laws of the State of South Dakota and the United States, that the information and facts contained herein are true and correct, to the best of my knowledge and belief.

Executed on this 22nd day of February, 2023, at Southlake, Texas.

By: 

Scott R. Hoyt

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 22, 2023, I served DECLARATION OF SCOTT R. HOYT IN SUPPORT OF OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND RESPONSE TO ATTORNEY DEFENDANTS' STATEMENT OF UNDISPUTED MATERIAL FACTS, via CM/ECF to all counsel of record.

/s/ Stephen E. Doohen
Stephen E. Doohen